



1 ENERGY AND ENVIRONMENT CABINET

2 Department for Natural Resources

3 Division of Forestry

4 (Amendment)

5 402 KAR 3:030. Best management practices for timber harvesting operations.

6 RELATES TO: KRS 149.330, 149.332, 149.334, 149.344, 149.346, 149.348, 149.350,  
7 149.355, 224.10-100, 224.71-110, 224.71-120

8 STATUTORY AUTHORITY: KRS 149.330, ~~[149.334(5)]~~, 149.344

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 149.334(5) authorizes the cabinet  
10 to promulgate administrative regulations relating to the Kentucky Forest Conservation Act, KRS  
11 149.330 to 149.355. KRS 149.344 requires that any logger or operator engaged in the conduct of  
12 any timber harvesting operations use appropriate best management practices. This administrative  
13 regulation establishes the best management practices for timber harvesting operations as developed  
14 by the Division of Forestry and approved by the Agriculture Water Quality Authority.

15 Section 1. A logger or operator engaged in timber harvesting operations shall comply with  
16 the provisions of the silviculture section of The Kentucky Agriculture Water Quality Plan, Best  
17 Management Practices, required by KRS 224.71-110 and 224.71-120 ~~[Section 1, Silviculture]~~.

18 ~~[Section 2. Incorporation by Reference. (1) "The Kentucky Agriculture Water Quality Plan,~~  
19 ~~Best Management Practices, Section 1, Silviculture", March 2014, is incorporated by reference.~~

20 ~~(2) This material may be inspected, copied or obtained, subject to applicable copyright law,~~

- 1 at the Kentucky Division of Forestry, 627 Commanche Trail, Frankfort, Kentucky 40601, Monday
- 2 through Friday, 8 a.m. to 4:30 p.m.]

402 KAR 3:030 approved for filing.

Pages (1-2)

8/14/2017

Date

Charles G. Snavely

Charles G. Snavely, Secretary  
Energy and Environment Cabinet

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on September 21, 2017 at 5:00 P.M. (Eastern Time) in Training Room C of the Energy and Environment Cabinet at 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by September 14, 2017, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2017. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Michael Mullins, Regulation Coordinator, 300 Sower Blvd, Frankfort, Kentucky 40601, phone (502) 782-6720, fax (502) 564-4245, email Michael.Mullins@ky.gov.

REGULATORY IMPACT ANALYSIS  
AND TIERING STATEMENT

Administrative Regulation No.: 402 KAR 3:030  
Contact Person: Michael Mullins

Contact number: (502) 782-6720  
Email: michael.mullins@ky.gov

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This administrative regulation establishes the best management practices for timber harvesting operations as developed by the Division of Forestry and approved by the Agriculture Water Quality Authority.
- (b) The necessity of this administrative regulation: This administrative regulation is necessary establish the best management practices for timber harvesting operations to include in the Agriculture Water Quality Plan.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 149.334(5) authorizes the cabinet to promulgate administrative regulations relating to the Kentucky Forest Conservation Act, KRS 149.330 to 149.355. KRS 149.344 requires that any logger or operator engaged in the conduct of any timber harvesting operations use appropriate best management practices. This administrative regulation establishes the best management practices for the logger or operator to follow.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 149.334(5) authorizes the cabinet to promulgate administrative regulations relating to the Kentucky Forest Conservation Act, KRS 149.330 to 149.355. KRS 149.344 requires that any logger or operator engaged in the conduct of any timber harvesting operations use appropriate best management practices. This administrative regulation incorporates by reference the Agriculture Water Quality Plan that includes the best management practices the logger or operator is to use.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation: This amendment simply references the Agriculture Water Quality Plan and the statutory requirement.
- (b) The necessity of the amendment to this administrative regulation: This amendment is necessary to direct the regulated community to the most recent version of the Agriculture Water Quality Plan.

- (c) How the amendment conforms to the content of the authorizing statutes: KRS 149.334(5) authorizes the cabinet to promulgate administrative regulations relating to the Kentucky Forest Conservation Act, KRS 149.330 to 149.355. KRS 149.344 requires that any logger or operator engaged in the conduct of any timber harvesting operations use appropriate best management practices. This amendment is necessary to direct the regulated community to the most recent version of the Agriculture Water Quality Plan.
  - (d) How the amendment will assist in the effective administration of the statutes: KRS 149.334(5) authorizes the cabinet to promulgate administrative regulations relating to the Kentucky Forest Conservation Act, KRS 149.330 to 149.355. KRS 149.344 requires that any logger or operator engaged in the conduct of any timber harvesting operations use appropriate best management practices. This amendment assists in the effective administration of the statutes by referencing the Agriculture Water Quality Plan and the statutory citation.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will impact all logging operators in the Commonwealth. There are approximately 1,567 loggers in the state.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities listed above will be required to use the most recent version of the Agriculture Water Quality Plan.
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The costs associated with this proposal are difficult to predict as they will depend on the best management practices to be used. Not every site will use every BMP. They will be site specific.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Logging operators will benefit by having the most recent information to follow regarding best management practices.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: These amendments will not increase the costs of the agency to implement.

- (b) On a continuing basis: These amendments will not increase the costs of the agency on a continuing basis.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: A combination of general funds and restricted funds will be used.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will not be a need to increase fees or funding related to the proposed amendments.
- (8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendments to this administrative regulation do not increase or establish any fees.
- (9) TIERING: Is tiering applied? (Explain why or why not) No. All entities that harvest timber within the Commonwealth are required to follow these standards.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation No.: 402 KAR 3:030

Contact Person: Michael Mullins

Contact number: (502) 782-6720

Email: michael.mullins@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Division of Forestry.
2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 149.344.
3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
  - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This new administrative regulation will not generate any new revenue for the state or local government.
  - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This new administrative regulation will not generate revenue in subsequent years.
  - (c) How much will it cost to administer this program for the first year? There will not be a cost increase associated with the amendments to this administrative regulation.
  - (d) How much will it cost to administer this program for subsequent years? Future costs would remain essentially unchanged related to this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: NA